



01-17-08

Handwritten signatures and initials, including "DHC" and "B28M".

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of Refusal to Accept Maintenance Fee:

2008 JAN 25 PM 3:54

Inventors : Tat Hung Tong  
Assignee : Cornerstone Research Group, Inc.  
Patent No. : 6,759,481  
Filed : Jan 24, 2003  
Issued : Jul 6, 2004  
Title : Shape Memory Styrene Copolymer  
Docket : P35US00  
Customer No. 58232

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FEB 04 2008

OFFICE OF PETITIONS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**PETITION UNDER 37 C.F.R. § 1.377 TO ACCEPT MAINTENANCE FEE**  
**PAYMENT**

Cornerstone Research Group Inc. respectfully requests a review of the decision to refuse to accept and record payment of a maintenance fee filed prior to expiration for U.S. Pat. No. 6,759,481.

On June 4, 2002, Application 10/056,590 was properly assigned by the Inventor to Johnson & Johnson Vision Care, Inc., and recorded at Reel 012766, Frame 0517. On July 6, 2004 Application No. 10/056,590 issued as U.S. Pat. No. 6,759,481.

On March 6, 2007, U.S. Pat No. 6,759,481 was properly assigned to Cornerstone Research Group Inc. ("Assignee") by Johnson & Johnson Vision Care, Inc. ("Assignor"). On March 9, 2007 the assignment was filed and recorded by the U.S.P.T.O. at Reel 018972, Frame 0813, a copy of said assignment is attached as Exhibit 1.

On December 10, 2007, Assignee filed a Request to Change the Correspondence Address in Patent and said request is attached as Exhibit 2. An auto-reply facsimile was received by Assignee from the U.S.P.T.O confirming receipt of the Assignee's Request Change the Correspondence Address in Patent on December 10, 2007, and is attached Exhibit 3.

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Assignee was prepared to pay the three and one-half year maintenance fee prior to the due date of January 6, 2008; however Assignee could not pay the maintenance fee prior to January 6, 2008 as the correspondence address and entity status associated with U.S. Patent No. 6,759,481 had not been changed as requested by Assignee on December 10, 2007. As such Assignee was unable to pay the maintenance fee as Assignee claims small entity status while Assignor claims large entity status. Additionally, while Assignee cannot confirm that Johnson & Johnson Vision Care, Inc., paid the maintenance fee for U.S. Pat. No. 6,759,481, the deposit account for Assignee does not indicate payment of maintenance fee on the date in question, thus Assignee did not pay the maintenance fee.

As of the date of this petition Jan 15, 2008, the correspondence address has not been updated. Therefore, Assignee respectfully requests the following: (1) that the U.S.P.T.O accept as the timely, payment of the maintenance fee in the amount of Four hundred and Sixty-five and 00/100 Dollars (\$465.00) and (2) that the U.S.P.T.O refund the Two hundred and 00/100 Dollar (\$200.00) fee required to file this petition as the U.S.P.T.O failed to timely update the correspondence address based upon the filing of the assignment and/or failed to timely update the correspondence address in accordance with the Request to Change the Correspondence Address in Patent which was filed via facsimile transmission on December 10, 2007.

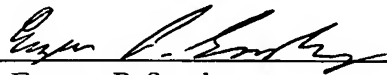
Assignee hereby authorizes the Commissioner to charge the petition fee, maintenance fee, any maintenance late fees and any other fee necessary to ensure entry of this petition to Assignee's Deposit Account No. 503719 and to credit any amounts or refunds due to same.

Respectfully Submitted,

CORNERSTONE RESEARCH GROUP, INC.

Date: January 15, 2008

By: \_\_\_\_\_

  
Eugene P. Sunday  
Counsel for Assignee  
Cornerstone Research Group, Inc.  
2750 Indian Ripple Road  
Dayton, Ohio 45440  
Telephone (937) 320-1877

Exb. 1

ASSIGNMENT

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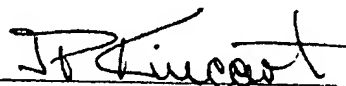
WHEREAS, Johnson & Johnson Vision Care, Inc. ("Assignor"), a Florida Corporation, having a place of business at 7500 Centurion Parkway, Suite 100, Jacksonville, Florida, 32256 is the sole owner of the United States Letters Patent Number 6,759,481, a copy of which is attached hereto; and

WHEREAS, Cornerstone Research Group, Inc. ("Assignee"), having a place of business at 2750 Indian Ripple Road Dayton, Ohio 45440, is desirous of acquiring the entire right, title and interest in and to said Letters Patents;

NOW, THEREFORE, BE IT KNOWN, that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged said Assignor has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer, and set over, unto said Assignee, its successors and assigns, the entire right, title and interest in and to said United States Patent Number 6,759,481, and in and to all extensions, renewals and reissues thereof, including without limitation of generality, any and all choses in action and any and all claims and demands, both at law and in equity, that said Assignor has or may have for damages or profits accrued or to accrue on account of the infringement of any of said Letters Patents, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be signed by its duly authorized officer and attested by its Secretary and its corporate seal to be affixed on this 6th day of March 2007.

Johnson & Johnson Vision Care, Inc.

By:   
Joseph P. Kincart  
Assistant Secretary  
Johnson & Johnson

STATE OF Florida:

COUNTY OF Duval:

BE IT REMEMBERED, That on this 6th day of March 2007, before me, the subscriber, a Notary Public of Florida, personally appeared Joseph P. Kincart, who being by me duly sworn did depose and make proof to my satisfaction that he well knows the corporate seal of Johnson & Johnson Vision Care, Inc., the corporation named in and which executed the foregoing Assignment; that the seal thereto affixed is the proper corporate seal of the said corporation; that the same was so affixed thereto and the said Assignment signed and delivered by Joseph P. Kincart, who was at the date of execution thereof Assistant Secretary of said corporation, in the presence of the said deponent, as the voluntary act and deed of the said corporation, and that the said deponent thereupon signed the same as subscribing witness.

Subscribed and sworn before me at Jacksonville, Florida the date aforesaid.

*Linda Long*  
Notary Public



Exb. 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CRG Docket No. P35US00

U.S. Patent No. 6,759,481

Issued: July 6, 2004

Tat H. Tong

Appl. No. 10/056,590

Filed: January 24, 2002

For: SHAPE MEMORY STYRENE COPOLYMER

Box M. Fee  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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OFFICE OF PETITIONS

Dear Madam or Sir:

CHANGE OF CORRESPONDENCE ADDRESS IN PATENT

This letter us to specify that the FEE ADDRESSEE for this patent is:

Eugene P. Sunday  
Legal Counsel  
Cornerstone Research Group, Inc.  
2750 Indian Ripple Road  
Dayton, OH 45440

Please address all correspondence relating to Maintenance Fees for this patent to the attention of the name and address specified above. Any prior FEE ADDRESSEE for this patent is hereby revoked. ASSIGNEE claims small entity status by virtue of an Assignment which was recorded on March 9, 2007, Reel 018972, Frame 0813.

It is certified that the person whose signature appears below has the authority to change the FEE ADDRESSEE for this patent.

Respectfully submitted,

Cornerstone Research Group, Inc.

By: Eugene P. Sunday  
Eugene P. Sunday  
Registration No. 57810  
2750 Indian Ripple Road  
Dayton, OH 45440

Date: 12-7-07

EXP. 3

## Auto-Reply Facsimile Transmission




TO: Fax Sender at 320 1886  
Fax Information  
Date Received: 12/10/2007 1:11:17 PM [Eastern Standard Time]  
Total Pages: 4 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

Dec 10 07 02:10p	Cornerstone	320-1886	P. 1
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**Cornerstone Research Group, Inc**  
2750 Indian Ripple Road  
Dayton, OH 45440  
Phone: (937) 320-1877  
Fax: (937) 320-1886

### Fax

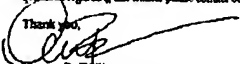
To: USPTO	From: Monica R. Williams
Fax: 571-273-9300	Pages: 4 including cover sheet
Phone: 855-217-9197	Date: 12-10-2007
Re: US Pat. No. 6,759,481	CC:
Application No. 10/056,598	

☒ For Review ☐ Per Your Request ☐ Please Comment ☐ Please Reply ☐ Urgent

To Whom It May Concern:

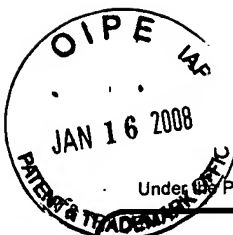
Please file attached Change of Correspondence Address in Patent for above-referenced file. If you should have any questions regarding this matter please contact our office.

Thank you,

  
Monica R. Williams  
Intellectual Property Paralegal  
2750 Indian Ripple Road  
Dayton, OH 45440  
937.320.1877 ext. 206  
937.320.1886 (fax)

PAGE 04 \* REVD AT 12/10/2007 1:11:17 PM [Eastern Standard Time] \* SPS/USPTO-ET/207-470 \* CUS-270000 \* CSD-225 1886 \* DURATION [mm:ss] 01:12

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/056,590	<b>RECEIVED</b> <b>FEB 04 2008</b> <b>OFFICE OF PETITIONS</b>
Filing Date	1-24-2008	
First Named Inventor	Tat Hung Tong	
Art Unit	1713	
Examiner Name	Fred T. Siga	
Attorney Docket Number	P354500	

Enclosed is a petition filed under 37 CFR 1.377 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 503719:
- ☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.
- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.67(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

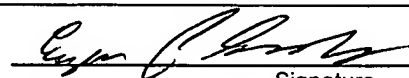
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.69 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

  
\_\_\_\_\_  
Signature  
Eugene P. Sunday  
\_\_\_\_\_  
Typed or printed name

1-15-2008  
\_\_\_\_\_  
Date  
57810  
\_\_\_\_\_  
Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.